UNITED NATIONS

UNEP

BC

UNEP/CHW/OEWG.11/4

Distr.: General
7 May 2018

Original: English

BASEL CONVENTION

Open-ended Working Group of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal
Eleventh meeting
Geneva, 3–6 September 2018
Item 3 (b) (i) of the provisional agenda*

Matters related to the work programme of the Open-ended Working Group for 2018–2019: scientific and technical matters: technical guidelines

Technical guidelines

Note by the Secretariat

1. At its thirteenth meeting, the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal adopted three decisions on the matter of the development of technical guidelines under the Convention: decision BC-13/4 on technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants; decision BC-13/5 on technical guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention; and decision BC-13/6 on technical guidelines on incineration on land (D10) and on specially engineered landfill (D5). Information related to the development of these sets of technical guidelines is presented in the relevant sections of the present document, along with proposed action for consideration by the Open-ended Working Group at its eleventh meeting.

2. For the information of the Working Group, in another relevant development, the United Nations Environment Assembly, in its resolution 3/9 on eliminating exposure to lead paint and promoting environmentally sound management of waste lead-acid batteries, reiterated its strong determination to continue to reduce exposure to lead, including through promoting the environmentally sound management of waste lead-acid batteries and eliminating lead paint. In the same resolution, it invited the Conference of the Parties to the Basel Convention to consider revising the Technical Guidelines for the Environmentally Sound Management of Waste Lead-acid Batteries regarding the application of new technologies in different aspects of environmentally sound management systems.

I. Technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants

A. Introduction

3. In its decision BC-13/4, on technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants, the Conference of

* UNEP/CHW/OEWG.11/1.

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the Parties to the Basel Convention adopted six technical guidelines (UNEP/CHW.13/6/Add.1/Rev.1, UNEP/CHW.13/6/Add.2/Rev.1, UNEP/CHW.13/6/Add.3/Rev.1, UNEP/CHW.13/6/Add.4/Rev.1, UNEP/CHW.13/6/Add.5/Rev.1, UNEP/CHW.13/6/Add.6/Rev.1).

4. The following activities relating to the technical guidelines on persistent organic pollutants were included in the work programme of the Open-ended Working Group for the biennium 2017–2018 (decision BC-13/17, annex):

(a) Consider comments and information relating to a review of provisional low persistent organic pollutant content values in the general technical guidelines referred to in decision BC-13/4, and other technical guidelines, as appropriate;

(b) Update the general technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants and prepare or update specific technical guidelines with regard to the chemicals listed in Annexes A and C to the Stockholm Convention on Persistent Organic Pollutants by decisions SC-8/10, SC-8/11 and SC-8/12 of the Conference of the Parties to the Stockholm Convention, including the following:

(i) Establishment of levels of destruction and irreversible transformation for the chemicals necessary to ensure that when disposed of they do not exhibit the characteristics of persistent organic pollutants specified in paragraph 1 of Annex D to the Stockholm Convention;

(ii) Determination of which disposal methods constitute environmentally sound disposal as referred to in paragraph 1 (d) (ii) of Article 6 of the Stockholm Convention;

(iii) Establishment, as appropriate, of the concentration levels of the chemicals in order to define for the Stockholm Convention low persistent organic pollutant content as referred to in paragraph 1 (d) (ii) of Article 6 of the Convention.

5. In paragraph 13 of decision BC-13/4, the Conference of the Parties invited Parties and organizations to indicate to the Secretariat by 31 August 2017 their willingness to take the lead in updating or preparing new technical guidelines, taking into account decisions SC-8/10, SC-8/11 and SC-8/12.

6. In paragraph 14, the Conference of the Parties welcomed with appreciation the offer by Norway to prepare, in accordance with paragraph 12 of decision BC-13/4, updated technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with hexabromodiphenyl ether and heptabromodiphenyl ether, and tetrabromodiphenyl ether and pentabromodiphenyl ether, to include decabromodiphenyl ether, taking into account decision SC-8/10, by which the chemicals were listed in Annex A to the Stockholm Convention.

7. Furthermore, in paragraph 15, the Conference of the Parties invited lead countries, if selected, and requested the Secretariat, if no lead country were selected and subject to the availability of resources, in consultation with the small intersessional working group on persistent organic pollutant wastes, to prepare draft revised technical guidelines for consideration by the Open-ended Working Group at its eleventh meeting.

8. With regard to the low persistent organic pollutant content values included in the technical guidelines, the Conference of the Parties, in paragraph 10 of decision BC-13/4, invited Parties and others to submit to the Secretariat, three months in advance of the eleventh meeting of the Open-ended Working Group:

(a) Comments on the provisional low persistent organic pollutant content values included in the technical guidelines referred to in paragraph 2 (a) of decision BC-13/4, and other technical guidelines, as appropriate, and related information, including on studies, taking into account relevant information available under the Stockholm Convention;

(b) The low persistent organic pollutant content values applied at the national level.

B. Implementation

9. The six technical guidelines adopted by decision BC-13/4 are available on the website of the Basel Convention in the six official languages of the United Nations.[1]

10. Pursuant to paragraph 13 of decision BC-13/4, the Secretariat sent a letter to all the Parties on 2 June 2017 inviting them to indicate their willingness to take the lead in updating or preparing new technical guidelines.

11. Norway confirmed its willingness to take the lead in updating the technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with hexabromodiphenyl ether and heptabromodiphenyl ether, and tetrabromodiphenyl ether and pentabromodiphenyl ether, to include decabromodiphenyl ether, in consultation with the small intersessional working group.

12. No other Party or organization has indicated its willingness to take the lead in updating or preparing the new technical guidelines. In the absence of such lead Parties or organizations, the Secretariat is facilitating the work of the small intersessional working group and has engaged consultants, where appropriate, to prepare or update technical guidelines in accordance with decision BC-13/4.

13. The small intersessional working group, which includes experts from the Persistent Organic Pollutants Review Committee under the Stockholm Convention, met three times by teleconference, on 19 September 2017, 8 February 2018 and 27 February 2018.

14. The following draft technical guidelines have been made available to the Open-ended Working Group for its consideration:

(a) Draft updated general technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants (UNEP/CHW/OEWG.11/INF/9);

(b) Draft technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with short-chain chlorinated paraffins (UNEP/CHW/OEWG.11/INF/10);

(c) Draft updated technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with hexabromodiphenyl ether and heptabromodiphenyl ether, and tetrabromodiphenyl ether and pentabromodiphenyl ether, to include decabromodiphenyl ether (UNEP/CHW/OEWG.11/INF/11);

(d) Draft updated technical guidelines on the environmentally sound management of wastes containing or contaminated with unintentionally produced polychlorinated dibenzo-p-dioxins, polychlorinated dibenzofurans, hexachlorobenzene, polychlorinated biphenyls, pentachlorobenzene or polychlorinated naphthalenes, to include hexachlorobutadiene (UNEP/CHW/OEWG.11/INF/12);

(e) Draft updated technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with hexachlorobutadiene (UNEP/CHW/OEWG.11/INF/13).

15. With regard to the low persistent organic pollutant content values, the Secretariat has prepared a compilation of comments and information received pursuant to paragraph 10 of decision BC-13/4 for the consideration of the Open-ended Working Group at its eleventh meeting (UNEP/CHW/OEWG.11/INF/14).

C. Proposed action

16. The Open-ended Working Group may wish to adopt a decision along the following lines:

The Open-ended Working Group

1. *Welcomes* with appreciation the contribution made by Norway in taking the lead in updating the technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with hexabromodiphenyl ether and heptabromodiphenyl ether, and tetrabromodiphenyl ether and pentabromodiphenyl ether, to include decabromodiphenyl ether;

[1] http://www.basel.int/TheConvention/ConferenceoftheParties/Meetings/COP13/tabid/5310/Default.aspx.

2. *Takes note* of the following draft technical guidelines:

(a) Draft updated general technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants;[2]

(b) Draft technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with short-chain chlorinated paraffins;[3]

(c) Draft updated technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with hexabromodiphenyl ether and heptabromodiphenyl ether, and tetrabromodiphenyl ether and pentabromodiphenyl ether, to include decabromodiphenyl ether;[4]

(d) Draft updated technical guidelines on the environmentally sound management of wastes containing or contaminated with unintentionally produced polychlorinated dibenzo-p-dioxins, polychlorinated dibenzofurans, hexachlorobenzene, polychlorinated biphenyls, pentachlorobenzene or polychlorinated naphthalenes, to include hexachlorobutadiene;[5]

(e) Draft updated technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with hexachlorobutadiene;[6]

3. *Requests* Norway and the Secretariat, as appropriate, to revise, by 17 December 2018, the new or updated general and specific technical guidelines, in consultation with the small intersessional working group and taking into account the discussions of the Open-ended Working Group at its eleventh meeting, for consideration and possible adoption by the Conference of the Parties at its fourteenth meeting.

II. Technical guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention

A. Introduction

17. In its decision BC-13/5, on technical guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention, the Conference of the Parties acknowledged the need to look further into the technical guidelines adopted on an interim basis by decision BC-12/5, and the issues referred to in paragraph 5 of decision BC-12/5 and paragraph 8 of decision OEWG-10/5, to advance the work towards finalization of the guidelines.

18. In paragraph 3, the Conference of the Parties invited Parties and others to provide comments on the technical guidelines, including suggestions for text on the issues mentioned in paragraph 5 of decision BC-12/5 and/or alternative text to Appendix V of the guidelines, to the Secretariat by 30 October 2017.

19. In paragraph 4, the Conference of the Parties decided to establish an expert working group to undertake the work outlined in paragraph 2 of decision BC-13/5, and in the subsequent paragraphs decided that the group would consist of 25 members nominated by Parties through their Bureau representatives, based on equitable geographical representation of the five regional groups of the United Nations, would be open to observers, including those from the Basel Convention regional centres, and could call for additional experts as needed.

20. In paragraph 9, the Conference of the Parties welcomed with appreciation the offer by China to serve as a lead country for the work of the expert working group.

[2] UNEP/CHW/OEWG.11/INF/9.

[3] UNEP/CHW/OEWG.11/INF/10.

[4] UNEP/CHW/OEWG.11/INF/11.

[5] UNEP/CHW/OEWG.11/INF/12.

[6] UNEP/CHW/OEWG.11/INF/13.

21. In paragraph 10, the Conference of the Parties requested the expert working group, taking into account, inter alia, the comments received in accordance with paragraph 3 of decision BC-13/5, to submit to the Open-ended Working Group at its eleventh meeting suggestions for amendments to the guidelines.

22. In paragraph 11, the Conference of the Parties requested the Secretariat to develop, as appropriate, and in consultation with the lead country, a revised questionnaire based upon paragraph 3 of decision OEWG-10/5 and to send it to Parties and others by 30 September 2017. Parties and others were invited to provide responses to the questionnaire to the Secretariat by 30 November 2017.

23. In paragraph 13, the Conference of the Parties requested the Secretariat to prepare a compilation of all comments pertaining to paragraph 5 of decision BC-12/5 for consideration by the expert working group and by the Open-ended Working Group at its eleventh meeting.

B. Implementation

24. The Secretariat sent a letter to all the Parties on 2 June 2017 inviting them to submit comments on the issues mentioned in paragraph 3 of decision BC-13/5 by 30 October 2017. In response, the Secretariat received 8 sets of comments[7] and made them available on the website of the Convention.[8]

25. The Secretariat received 24 nominations of members from Parties from the five regional groups of the United Nations and several observers have expressed interest in participating in the group.[9]

26. The expert working group met, initially by teleconference on 20 September 2017, and held two face-to-face meetings, the first in Beijing on 25 and 26 January 2018, and the second in Geneva from 17 to 19 April 2018.

27. Pursuant to paragraph 10 of decision BC-13/5, the expert working group prepared suggestions for amendments to the guidelines (UNEP/CHW/OEWG.11/INF/15).

28. The responses received to the revised questionnaire developed pursuant to paragraph 11 of decision BC-13/5 are set out in document UNEP/CHW/OEWG.11/INF/16. The comments received from Parties and others pertaining to paragraph 5 of decision BC-12/5, as per the request in paragraph 13 of decision BC-13/5, are set out in document UNEP/CHW/OEWG.11/INF/17.

C. Proposed action

29. The Open-ended Working Group may wish to adopt a decision along the following lines:

The Open-ended Working Group

1. *Takes note* of the comments provided by Parties and others pertaining to paragraph 5 of decision BC-12/5;[10]

2. *Also takes note* of the responses to the revised questionnaire based upon paragraph 11 of decision BC-13/5;[11]

3. *Welcomes* the suggestions of the expert working group for amendments to the technical guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention;[12]

4. *Recommends* that the Conference of the Parties, at its fourteenth meeting, consider amending the technical guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention, as suggested by the expert working group, taking into account the discussions of the Open-ended Working Group at its eleventh meeting.

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[7] Comments were received from Argentina, India, the Republic of Korea, Trinidad and Tobago, the United States of America as well as the Basel Action Network (BAN), Global Diagnostic Imaging, Healthcare IT and Radiation Therapy Trade Association (DITTA) and a group of information and communication technologies (ICT) trade associations.

[8] http://basel.int/Implementation/Ewaste/TechnicalGuidelines/DevelopmentofTGs/tabid/2377/Default.aspx.

[9] The list of members and observers is available from: http://www.basel.int/Implementation/Ewaste/TechnicalGuidelines/DevelopmentofTGs/tabid/2377/Default.aspx.

[10] UNEP/CHW/OEWG.11/INF/17.

[11] UNEP/CHW/OEWG.11/INF/16.

[12] UNEP/CHW/OEWG.11/INF/15.

III. Technical guidelines on incineration on land (D10), on specially engineered landfill (D5) and on hazardous waste physico-chemical treatment (D9) and biological treatment (D8)

A. Introduction

30. In paragraph 4 of decision BC-13/6, the Conference of the Parties decided that the technical guidelines on incineration on land (D10) and on specially engineered landfill (D5) should be updated.

31. In paragraph 5, the Conference of the Parties invited Parties to consider serving as lead countries in the updating of the technical guidelines and to inform the Secretariat of their willingness to do so by 31 August 2017.

32. In paragraph 6, the Conference of the Parties decided to establish a small intersessional working group, operating by electronic means, to undertake the updating referred to in paragraph 4 of decision BC-13/6. By paragraph 7, Parties and others were invited to nominate experts to participate in the small intersessional working group and to inform the Secretariat of their nominations by 31 August 2017.

33. In paragraph 8, the Conference of the Parties requested the lead country or countries or, if there was no lead country or countries, the Secretariat, subject to the availability of resources, in consultation with the small intersessional working group, to prepare the draft updated technical guidelines referred to in paragraph 4 of decision BC-13/6 for consideration by the Open-ended Working Group at its eleventh meeting.

34. In paragraph 10, the Conference of the Parties decided to include in the work programme of the Open-ended Working Group for the biennium 2018–2019 the consideration of whether the technical guidelines on hazardous waste physico-chemical treatment (D9) and biological treatment (D8) referred to in decision V/26 should be updated.

B. Implementation

35. Pursuant to paragraph 5 of decision BC-13/6, the Secretariat sent a letter to all the Parties on 2 June 2017 inviting them to consider serving as lead countries in the updating of the technical guidelines.

36. In response to the invitation, the Governments of Argentina and Canada offered to co-lead the updating of the two sets of technical guidelines on incineration on land (D10) and on specially engineered landfill (D5), respectively.

37. The Secretariat engaged a consultant to assist, together with the co-lead countries, the small intersessional working group with the updating of the technical guidelines on incineration on land (D10), while the Government of Canada, in collaboration with co-lead Argentina, updated the technical guidelines on specially engineered landfill (D5).

38. The small intersessional working group met by teleconference on 9 October 2017 and 21 February 2018 to consider the updating of the technical guidelines.

39. The draft updated technical guidelines on incineration on land (D10) are set out in document UNEP/CHW/OEWG.11/INF/18 and the draft updated technical guidelines on specially engineered landfill (D5) are set out in document UNEP/CHW/OEWG.11/INF/19.

C. Proposed action

40. The Open-ended Working Group may wish to adopt a decision along the following lines:

The Open-ended Working Group

1. *Welcomes* with appreciation the contributions made by the Governments of Argentina and Canada in taking the co-lead roles in updating the technical guidelines on incineration on land (D10) and on specially engineered landfill (D5), respectively;

2. *Takes note* of the draft updated technical guidelines on incineration on land (D10)[13] and the draft updated technical guidelines on specially engineered landfill (D5);[14]

[13] UNEP/CHW/OEWG.11/INF/18.

[14] UNEP/CHW/OEWG.11/INF/19.

3. *Requests* the co-lead countries and the Secretariat, as appropriate, to revise, by 17 December 2018, the draft updated technical guidelines, in consultation with the small intersessional working group, for consideration and possible adoption by the Conference of the Parties at its fourteenth meeting;

4. [*Recommends* that the Conference of the Parties, at its fourteenth meeting, decide that the technical guidelines on hazardous waste physico-chemical treatment (D9) and biological treatment (D8) should be updated, taking into account the discussions of the Open-ended Working Group at its eleventh meeting.]